

**EPA Review Comments – Detailed Implementation Plan for**  
**PA's Bay Strategy (1-20-2016)**

- The strategy and plan rely on several critical funding sources that have not yet been confirmed (e.g., Growing Greener III, new inspectors), as well as significant cultural changes with respect to implementation of agricultural compliance programs. EPA will monitor these assumptions closely as we move forward to the midpoint assessment of progress in 2017-2018.
- EPA recommends that PADEP clearly state what fraction of inspected agricultural operations will be CAFOs/CAOs versus non-CAFOs and non-CAOs. This clarification will provide EPA and the public with the assurance that PADEP is going above and beyond its current programmatic process of inspecting all CAFOs and CAOs annually (which is over 2500 facilities) to meet the goal of 3436 farm inspections.
- The agricultural compliance rate goals could benefit from clarification. PADEP has indicated in staff level briefings that the compliance rate for Chesapeake Bay farms is roughly 50% based on its regional watershed assessment, however, the implementation plan sets compliance goals of 35-40% over the next 18 months and 60% over the next 10 years for non-CAFO agricultural operations (95% for animal operations). Without further clarification, a 60% compliance rate over 10 years could be perceived as low, given that the regulations have been in place for a significant period of time.
- DEP should include specific actions and a timeline for finalizing the update to the Nutrient Trading Program within the 18-month time period of the Strategy.
- To ensure success of the Chiques Creek project which may be considered a model for future watershed efforts, please accelerate the December 2018 date for the development of the list of priority agricultural and stormwater practices; and clarify how this action date relates to the more immediate need to target 2016 and 2017 funding to priority practices and watersheds to maximize impact. Also, please provide a timeframe for the evaluation of the success of the Chiques Creek work that is within the 18-month period for the Bay Strategy.
- Consider an action to meet with NRCS to identify viable options for meeting Pennsylvania's data sharing needs in the Spring/Summer 2016 timeframe (to initiate action on your planned Phase III recommendation related to this NRCS/PADEP collaboration).
- EPA will be in close contact with PADEP, such that should any alterations to the proposed plan of action be considered over time, that we are available to offer assistance including

projecting impacts to the longer-term recommendations. These changes may include analysis of out-year projections through the Phase III WIP and reallocation of the urban sector loads to the agricultural sector.